IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE SIXTH DAY OF AUGUST
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE DR JUSTICE G.YETHIRAJULU

WRIT PETITION NO : 13906 of 2004

Between:

Cdr.C.Gopinathan, VSM (80131 R),

s/o late K.N.Narayana Iyer,
Chokkath House, Pullappatta Post,

Palgaht District, Kerala State-678 632

..... PETITIONER

AND

1 Union of India, rep., by its Secretary,

Ministry of Defence, New Delhi.

2 The Chief of the Naval Staff, Naval Headquarters,

Sena Bhavan, "C" Wing, New Delhi.

3 The Flag Officer, Commanding in Chief,

Eastern Naval Command, Visakhapatnam.

4 Admiral Superintendent, Naval Dock Yard, Visakhapatnam.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ, order or direction or directions more particularly one in the nature of writ of mandamus declaring the action of the respondent No.2 in not reemploying the petitioner as per the instructions in vogue, as illegal, arbitrary and violative of Art.14, 16 and 21 of the Constitution of India and consequently declare that the petitioner is entitled for reemployment in view of his exemplary service and as per the Navy

Instructions N.1.5/S/58.

Counsel for the Petitioner: MR.M.VIJAY KUMAR

Counsel for the Respondent No.: MR.A.RAJASHEKAR REDDY (SC FOR CG)

The Court before admission made the following :

THE HON'BLE Dr. JUSTICE G. YETHIRAJULU,

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WRIT PETITION No.13906 OF 2004

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O R D E R:

The petitioner retired as a Lieutenant Commander in the Indian Navy on 31.05.2003. He claims that his exemplary services were recognized and several medals were awarded to him including 'Visista Seva Medal'.

The grievance of the petitioner is that he was denied re-employment without any valid reasons. Another officer who retired along with the petitioner on 31.05.2003 was given re-employment. The concerned authorities i.e. respondents 1 and 2 have not issued any rejection orders, on the claim of the petitioner and no information was given to the petitioner about his request for re-employment. The silence for a long period from the concerned authorities made the petitioner to understand that his request for re-employment was rejected. The

petitioner, therefore, approached this court seeking a *writ of mandamus,* declaring the action of the 2nd respondent in not re-employing the petitioner as illegal, arbitrary and violative of Articles-14, 16 and 21 of the Constitution of India.

The learned counsel for the petitioner submitted that on 11.04.2003, there was a recommendation of name of the petitioner for re-employment made by the Commander General Manager (Refit) for Admiral Superintendent, Visakhapatnam. The petitioner also gave his willingness, on 10.4.2003 for re-employment.

In the light of the sequence of events explained by the petitioner, the 2nd respondent is directed to pass appropriate orders on the recommendation of the name of the petitioner for re-employment within two months from the date of this order as per the existing rules and instructions and communicate the same to the petitioner.

The writ petition is accordingly, disposed of. No order as to costs.

6th August 2004.

BCS/KSN

ASSISTANT REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

1 Secretary, Union of India,

Ministry of Defence, New Delhi.

2 The Chief of the Naval Staff, Naval Headquarters,

Sena Bhavan, "C" Wing, New Delhi.

3 The Flag Officer, Commanding in Chief,

Eastern Naval Command, Visakhapatnam.

4 Admiral Superintendent, Naval Dock Yard, Visakhapatnam.

5. Two CCs to Standing Counsel for Central Government,

High Court Buildings, Hyderabad (OUT),

6. Two CD copies.